

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:04CV392-C**

BANK OF AMERICA, N.A.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FEDERAL GUARANTY MORTGAGE)	
CO., a/k/a FEDERAL GUARANTY)	
MORTGAGE CO., FEDERAL)	
GUARANTY MORTGAGE COMPANY, INC., or FEDERAL GUARANTY MORTGAGE,)	
Defendant.)	
)	

THIS MATTER is before the Court on the Plaintiff's "Motion to Compel" (document #21) and "Brief in Support ..." (document #22), both filed February 15, 2006.

The pro se Defendant has not filed a response and the time for filing a responsive brief has expired. The Defendant has also failed to comply with the Court's Orders that it retain counsel, participate in the Initial Attorney's Conference, and attend the Initial Pretrial Conference. See Documents ## 15 and 18.

Accordingly, the undersigned will grant the Plaintiff's Motion and compel the Defendant to serve complete responses to the Plaintiff's First Set of Interrogatories, First Request for Production of Documents, and First Request for Admissions.

Moreover, the undersigned specifically cautions the Defendant that any failure to respond timely and fully to these or any other of the Defendant's reasonable discovery requests, or to otherwise comply with this Court's Orders, the Local Rules, or the Rules of Civil Procedure will

result in the imposition of sanctions. **Sanctions can include the Defendant being required to pay the Plaintiff's costs, including reasonable attorney's fees, and may also include entry of default and default judgment against the Defendant.**¹

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Plaintiff's "Motion to Compel" (document #21) is **GRANTED**, that is, on or before April 15, 2006, the Defendant shall serve complete responses to the Plaintiff's First Set of Interrogatories, First Request for Production of Documents, and First Request for Admissions.
2. The Clerk is directed to send a copy of this Order to Plaintiff's counsel, as well as to the Defendant at the following address:

Mr. Frank Garcia, Registered Agent
Federal Guaranty Mortgage Co.
3400 Lakeside Drive, Ste. 103
Miramar, FL 33027

3. The Clerk is further directed to send a copy of this Order to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: March 9, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge



¹The Fourth Circuit has emphasized the significance of both establishing a history of dilatory action and warning to the offending party of what may follow prior to dismissing the action. See, e.g., Hathcock v. Navistar Int'l Transp. Corp., 55 F.3d 36, 40 (4th Cir. 1995); Choice Hotels Int'l v. Goodwin & Boone, 11 F.3d 469, 473 (4th Cir. 1993); and Lolatchy v. Arthur Murray, Inc., 816 F.2d 951, 953 (4th Cir. 1987).